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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,785	05/13/2002	Miryalil Khamitovich Usmanov	205,383	1427
7590 07/02/2004			EXAMINER	
Abelman Frayne & Schwab 150 East 42nd Street New York, NY 10017-5612			BUSHEY, CHARLES S	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,785	Applicant(s) USMANOV ET AL.	
	Examiner Scott Bushey	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,18-23 and 25-37 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 18-23, 29, 30, 32, and 34-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stoebich et al '851.

Stoebich et al '851 (Figs. 8-11; col. 10, lines 62-66; col. 11, lines 11-12, 48-66; col. 12, lines 21-22, 66-67; col. 13, lines 1-6; col. 14, lines 51-67; col. 15, lines 1-18) clearly disclose spraying or sprinkling means (113,113a) for spraying water droplets or water with a foam additive into the space between two web or net members (105) for attenuating a heat flow generated by a heat source, such as a fire. The woven webs or nets are constructed in such as manner as to allow the sprayed liquid to form a film on each of the inner and outer surfaces thereof, the evaporation of the film by the heat source a cooling effect within the fire protection curtain structure. Applicant should note that (col. 12, lines 66-67; col. 13, lines 1-6) the reference also suggests providing a grid of spray tubes for wetting the curtain nets, as recited by applicant's instant claim 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoeibich et al '507.

Stoeibich et al '507 is a continuation-in-part of Stoeibich et al '851 and thus includes all of the disclosure of the '851 patent and more. Stoeibich et al '507 (col. 17, line 54 through col. 18, line 20) disclose controlling the rate or pressure of the sprayed liquid in response to a sensed condition, such as high temperature as from a fire. While the reference is silent as to whether the controlled parameters are controlled in response to manual or automatic monitoring, wherein both are notoriously well known within the art, i.e., by automatic temperature sensing sprinkler systems, or by manually actuated sprinkler systems in response to a person noticing smoke or high temperatures from a fire, it would have been obvious to an artisan at the time of the invention, to operate the liquid flow control means of Stoeibich et al '507 in response to either a manual or automatic (computerized) monitoring system, since such would allow for the best fire protection scheme regardless of whether or not a protected area were occupied at the time of the high temperature condition.

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6. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoebich et al '851 as applied to claims 1, 2, 18-23, 29, 30, 32, and 34-37 above, and further in view of Walker.

Stoebich et al '851 as applied above substantially disclose applicant's invention as recited by instant claims 31 and 33, except for the wetted curtain means being on a wheeled structure so as to be portable, such that the net may be positioned to face the heat flow.

Walker (Figs. 1 and 2) discloses a water sprayed fire shield that is portably supported on wheels so that it may be easily located in a position facing the heat flow from a fire. It would have been obvious to an artisan at the time of the invention, to modify the wetted fire protection curtains of Stoebich et al '851 to be portable, as on wheels, in view of Walker, since such would allow for the use of the advantageous protective curtain of Stoebich et al '851 in locations best suited to extinguishing the fire from which the protection is desired.

Allowable Subject Matter

7. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 18-23, and 25-37 have been considered but are moot in view of the new grounds of rejection.

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Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is (571) 272-1153. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Bushey
Primary Examiner
Art Unit 1724

csb
6-30-04


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